

**MAGLEV DEPLOYMENT RFP 02-086  
ERRATA SHEET #2  
MARCH 20, 2002**

**Please note the following corrections to RFP Document 02-086:**

**Sections 1.3.1 through 1.3.4 were numbered in error. The correct numbering sequence should be 1.3 through 1.6, respectively. There are no changes in the text for these sections.**

**MAGLEV DEPLOYMENT RFP 02-086  
PRE-BID QUESTIONS AND ANSWERS  
ERRATA SHEET  
MARCH 18, 2002**

**Please note the following corrections:**

**Verbal Question Q1: Delete the words “state and” in the last sentence.**

**Corrected Response:**

**At this time, SCAG does not foresee that firms performing the work under the current RFP would be precluded from future participation (i.e., bidding on the subsequent RFP to select the public/private consortium) due to a conflict of interest. However, all processes will be consistent with the Federal Acquisition Regulations and other applicable federal regulations governing contract procurement.**

**Written Question Q4: Delete the words “state and” from the sentence.**

**Corrected Response:**

**NO. However, all processes will be consistent with the Federal Acquisition Regulations and other applicable federal regulations governing contract procurement.**

**RESPONSE TO VERBAL QUESTIONS  
MAGLEV DEPLOYMENT PRE-BID  
RFP 02-086, March 4, 2002**

**Q1: Is there any conflict of interest that would prohibit future participation by any firm who bids on this contract?**

**Response:**

At this time, SCAG does not foresee that firms performing the work under the current RFP would be precluded from future participation (i.e., bidding on the subsequent RFP to select the public/private consortium) due to a conflict of interest. However, all processes will be consistent with the Federal Acquisition Regulations and other applicable state and federal regulations governing contract procurement.

**Q2: When will the RFP for the EIR/EIS work be released?**

**Response:**

At this time we anticipate that the environmental review will be performed by SCAG.

**Q3: How does SCAG's DBE requirements address the State of California's Disabled American Veteran Preference?**

**Response:**

SCAG encourages Disabled American Veteran Business Enterprise (DVBE) participation in its award of contracts, and counts such participation toward its annual Disadvantaged Business Enterprise Goal of 7% as required under federal regulations (40 CFR PART 26).

The DVBE program required under Public Contract Code Section 10115 et seq., which covers contracts awarded by "any state agency... or entity empowered by law to enter into contracts on behalf of the State of California." Public Contract Code Section 10115.1(a) does not apply to SCAG. SCAG is not a state agency or an entity empowered by law to enter into contracts on behalf of the State of California and is not required to implement the state DVBE program for this contract.

**Q4: How will the technology provider be integrated into the team?**

**Response**

The RFP Section 1.3.2 requires only that the maglev technology developed by Transrapid be included.

**Q5: Will TRI be on every team?**

**Response**

It is up to the proposer whether to include TRI on their team. TRI technology shall be part of the proposal.

**Q6: Does this give TRI an unfair advantage?**

**Response**

SCAG believes that TRI does not have an unfair advantage because all bidders will have access to the same public information needed to successfully complete the work required. Teaming with TRI is not necessary to win award to the contract.

**Q7: Should firms be contacting TRI or will they be added later?**

**Response**

Bidders maintain the discretion whether or not to contact TRI.

**Q8: Should TRI fees be included in the proposal or are they separate?**

**Response**

Proposals submitted shall include all associated costs to perform required work including TRI technology.

**Q9: Where can we get copies of the regional transportation studies mentioned in the RFP?**

**Response:**

Copies may be obtained by contacting Mr. Javier Minjares at 213.236.1893 or e-mail at [minjares@scag.ca.gov](mailto:minjares@scag.ca.gov).

**Q10: Is there a preferred alignment mentioned in any of the studies made available?**

**Response:**

The previous maglev studies addressed the feasibility of maglev deployment on specific corridors identified in the adopted 2001 Regional Transportation Plan (RTP). These feasibility studies identified one to three possible alignments. One of the tasks identified in the RFP is to assist SCAG in the development of a preferred alignment for the initial maglev segment.

**Q11: Is there a phased approach to the overall maglev system?**

**Response:**

One of the tasks identified in the RFP is to assist SCAG in the development of a specific phased implementation plan.

**Q12: Where can a copy of the RTP be obtained?**

**Response:**

The adopted 2001 Regional Transportation Plan is available on the SCAG Website at [www.scag.ca.gov](http://www.scag.ca.gov).

**Q13: When are written questions due?**

**Response:**

Written questions should be submitted no later than close of business on March 6, 2002.

**Q14: Why does Phase 1 work have to be completed by 6/30/03?**

**Response:**

Phase 1 work under this RFP is funded under a Cooperative Agreement between SCAG, the California Business, Transportation, and Housing Agency, and the Federal Railroad Administration. Contractual obligation requires that all work under Phase 1 must be completed by June 30, 2003.

**Q15: How long will the interviews last?**

**Response:**

It is anticipated that the interviews will last one to two hours.

**Q16: Has the interview panel been selected?**

**Response:**

No.

**RESPONSE TO WRITTEN QUESTIONS  
RECEIVED BY CLOSE OF BUSINESS, MARCH 6, 2002  
MAGLEV DEPLOYMENT PRE-BID  
RFP 02-086, March 4, 2002**

**Q1: Does SCAG contemplate a subsequent RFP for selection of the public/private consortium partnership that will design, build, operate and maintain the Maglev System?**

**Response:**

The products from this RFP will impact future work.

**Q2: Does SCAG contemplate that such legal agreements, or other work products produced by other members of a proposer team will be part of any such subsequent RFP?**

**Response:**

The only legal agreement contemplated prior to the subsequent RFP is the agreement to form the public entity. Such agreement should not affect the subsequent RFP.

**Q3: If such work products are used in the subsequent RFP to select a public/private partner, will firms that prepared such work products under the current RFP be precluded under the California Political Reform Act from responding to the RFP to select the public/private partner?**

**Response:**

The California Political Reform Act does not apply to this situation. The statute states that:

"No public official at any level of state or local government agency shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest." (Govt. Code Section 87100)

The firms are not "public officials," and thus, the statute is inapplicable.

**Q4: Will the successful Maglev Deployment Contractor for this alignment be precluded from bidding on the Maglev Construction Project for this alignment?**

**Response:**

**NO. However, all processes will be consistent with the Federal Acquisition Regulations and other applicable state and federal regulations governing contract procurement.**

**Q5: Will there be a conflict of interest created by formation of the public/private partnership? Will elected public officials serve on the public/private governing board?**

**Response:**

**There is no inherent conflict of interest caused by the formation of the public/private consortium. At this time, however, the composition of the public/private consortium is unknown.**

**Q6: Will there be additional requirements for SCAG bidders to meet compliance with State of California law for 3% DVBE participation in addition to Federal 49 CFR DBE Goals? And if "NO" then why not?**

**Response:**

**SCAG encourages Disabled American Veteran Business Enterprise (DVBE) participation in its award of contracts, and counts such participation toward its annual Disadvantaged Business Enterprise Goal of 7% as required under federal regulations (40 CFR PART 26).**

**The DVBE program required under Public Contract Code Section 10115 et seq., which covers contracts awarded by “any state agency... or entity empowered by law to enter into contracts on behalf of the State of California.” Public Contract Code Section 10115.1(a) does not apply to SCAG. SCAG is not a state agency or an entity empowered by law to enter into contracts on behalf of the State of California and is not required to implement the state DVBE program for this contract.**

**Q7: With respect to Maglev Deployment Services RFP 02-086, what are SCAG’s insurance requirements for the prime consultant and the subconsultants?**

**Response:**

**SCAG will require the prime consultant to certify that the consultant holds the following full-coverage insurance: Commercial General Liability insurance with at least two million dollars per occurrence; Comprehensive Automobile insurance of combined single limit Primary Bodily injury and Primary Property Damage in an amount not less than one million dollars per occurrence; and, Workers' Compensation insurance with limits established and required by the State of California.**

**Q8: Does Transrapid International have exclusive licensing agreements with any contractor that may be bidding this project?**

**Response:**

SCAG is not aware of any such agreements.

**Q9: Will the “Technology Contractor” (Transrapid International) be bidding to SCAG or Prime Contractors?**

**Response:**

TRI will not bid to SCAG. Participation by TRI as a sub-consultant is at the discretion of the prime contractor.

**Q10: Will the “Prime Contractor” get a waiver of liability on SCAG’s selected technology?**

**Response:**

No waiver will be issued.

**Q11: Will Transrapid International disclose financial information with contractors?**

**Response:**

SCAG does not know what are TRI’s policies regarding disclosure of information.

**Q12: The proposal “Evaluation Criteria” weighs DBE participation at five points, but there is no mention of what percentage or dollar value of the contract that must be met by the successful prime contractor to qualify for the five point credit.**

**Response:**

Percentage of DBE contract value	Evaluation Point
1/4 to 1%	1
2 to 3%	2
4 to 5 %	3
6 to 49%	4
50 % or greater	5

All proposed DBE contractors must be a certified DBE at the time of submitting the proposal. DBE certification criteria are specified on the SCAG vendor application form.

**Q13: Does the SCAG Vender/Consultant Application Form apply to prime contractor only or is it also required for each subcontractor?**

**Response:**

The Vendor/Consultant Application Form is required only from prime contractors



# SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS SIGN-IN SHEET

## PRE-BID RFP 02-086

DATE: 3/04/02

TIME: 10:00 AM

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**PRE-BID RFP 02-086**

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